

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

LAURENCE LEACH,	)	
	)	
Plaintiff,	)	
v.	)	
	)	No. 05-0166-CV-W-FJG
WATERWAY CAR WASH	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is plaintiff's Motion of Reconsideration (Doc. No. 22), filed on December 29, 2005. Plaintiff is seeking reconsideration of the Court's Order dated December 20, 2005 (Doc. No. 20), granting defendant's motion to dismiss this case for insufficiency of process/service of process and for violation of Court's Order dated October 17, 2005 (Doc. No. 17).

Plaintiff states in his motion for reconsideration that he filed a return of service with the Court prior to the November 14, 2005, deadline set by the Court's October 17, 2005 order. However, it is apparent that all plaintiff did prior to the November 14, 2005, deadline was make contact with the U.S. Marshals Service. As suggested by defendant, plaintiff received the service forms on April 19, 2005, and thereafter took no action to make service until the last minute. Defendant was not served until November 16, 2005, so it is not possible that plaintiff could have filed a return of service on November 14, 2005.

In the Order granting plaintiff an extension of time until November 14, 2005 to accomplish service (Doc. No. 14), the Court indicated that no further extensions of this deadline would be granted, and failure to comply with this deadline would result in the

dismissal of this action without further notice. As plaintiff did not meet this deadline, the Court dismissed plaintiff's case with prejudice. Nothing in plaintiff's motion for reconsideration compels the Court to reach a different result.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's motion for reconsideration is **DENIED**, and
2. the Clerk of the Court is directed to mail a copy of this Order by regular and certified mail, return receipt requested, to:

Laurence Leach  
8334 Cherry Street  
Kansas City, Missouri 64131

Date: February 3, 2006  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
United States District Judge